IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

TUESDAY, THE TWENTY FOURTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

HON'BLE SRI DEVINDER GUPTA, THE CHIEF JUSTICE

and
HON'BLE SRI JUSTICE C.V.RAMULU

WRIT APPEAL No.1178 of 2004

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 13/11/2003 in WP No.19032 OF 2003 on the file of the High Court.)

Between:

1. Thatikonda Papaiah S/o. Ramaiah, R/o. Ladnapur Village,

Muttaram Mandal,
Karimnagar District.

2 Arelli Ramachandram S/o. Gopal R/o. Ladnapur Village, Muttaram Mandal, Karimnagar District.

3 T. Srinivas S/o. Lingaiah [died], R/o. Ladnapur Village, Muttaram Mandal, Karimnagar District.

4 Kurumindal Lachaiah S/o. Bhoomaiah, R/o. Ladnapur Village, Muttaram Mandal,
Karimnagar District.

5 Koluri Raja Kumaraiah S/o. Cattaiah, R/o. Ladnapur Village, Muttaram Mandal,
Karimnagar District.

6 Veragoni Mallaiah, S/o. Gouraiah, R/o. Ladnapur Village, Muttaram Mandal, Karimnagar District.

7 Perka Odelu S/o. Dammaiah [died], R/o. Ladnapur Village, Muttaram Mandal, Karimnagar District.

8 Totla Mandaiah S/o. Kakaiah R/o. Ladnapur Village, Muttaram Mandal, Karimnagar District.

9 Totla Sauilu S/o. Kakaiah [died], R/o. Ladnapur Village, Muttaram Mandal, Karimnagar District.

10 Marrikomuraiah S/o. Parvathalu, R/o. Ladnapur Village, Muttaram Mandal, Karimnagar District.

11 Bandi Vijaya Kumar S/o. Odelu [died] R/o. Ladnapur Village, Muttaram Mandal,
Karimnagar District.
12 Madaraboina Rajalingu S/o. Mallaiah [died] R/o. Ladnapur Village, Muttaram Mandal,
Karimnagar District.
13 Arolli Lingaiah S/o. Gopal [died], R/o. Ladnapur Village, Muttaram Mandal,
Karimnagar District.
14 Tangallapalli Ravinder S/o. Lingaiah, R/o. Ladnapur Village, Muttaram Mandal,
Karimnagar District.
15 V. Ramakrishnaiah, S/o. Chandraiah, R/o. Ladnapur Village, Muttaram Mandal,
Karimnagar District.
16 Poreddy Ramachandra Reddy S/o. Ram Reddy [died], R/o. Ladnapur Village, Muttaram Mandal,
Karimnagar District.
17 Poreddy Mukunda Reddy S/o. Ram Reddy [died], R/o. Ladnapur Village, Muttaram Mandal,
Karimnagar District.
18 Poreddy Gopal Reddy S/o. Narayana Reddy, R/o. Ladnapur Village, Muttaram Mandal,
Karimnagar District.
19 Lakkala Rajamouli S/o. Veeramallu, R/o. Ladnapur Village, Muttaram Mandal,
Karimnagar District.
20 Peddapalli Srinivas S/o. Venkati, R/o. Ladnapur Village, Muttaram Mandal,
Karimnagar District.
21 Samudrala Gattaiah [died], R/o. Ladnapur Village, Muttaram Mandal,
Karimnagar District.
22 Vegolam Ramulu, S/o. Murali, R/o. Ladnapur Village, Muttaram Mandal,
Karimnagar District.
23 Nadigonda Jagan S/o. Ramaiah, R/o. Ladnapur Village, Muttaram Mandal,
Karimnagar District.
24 Pilli Kanakaiah S/o. Bhoomaiah, R/o. Ladnapur Village, Muttaram Mandal,
Karimnagar District.
25 V. Chakrapani S/o.Kistaiah [died] R/o. Ladnapur Village, Muttaram Mandal,
Karimnagar District.
26 Thati Rajamallu S/o. Mallaiah, R/o. Ladnapur Village, Muttaram Mandal,
Karimnagar District.
27 Thatikonda Kanakaiah, S/o. Venkataiah, R/o. Ladnapur Village, Muttaram Mandal,
Karimnagar District.
28 Keerthi Narasaiah, S/o. Gattaiah [died] R/o. Ladnapur Village, Muttaram Mandal,
Karimnagar District.
29 Rodda Babu S/o. Narsaiah, R/o. Ladnapur Village, Muttaram Mandal,
Karimnagar District.
30 Papola Raji Reddy, S/o. Pocham, R/o. Ladnapur Village, Muttaram Mandal,
Karimnagar District.
31 Gurra Gattaiah S/o. Mallaiah, R/o. Ladnapur Village, Muttaram Mandal,
Karimnagar District.
32 Keerthi Machalu S/o. Venkaiah[died], R/o. Ladnapur Village, Muttaram

Mandal,
Karimnagar District.
33 Keerthi Kistaiah, S/o. Balaiah, R/o. Ladnapur Village, Muttaram Mandal, Karimnagar District.
34 Keerthi Agaiah, S/o.Ramaiah, R/o. Ladnapur Village, Muttaram Mandal, Karimnagar District.
35 Keerthi Rajaiah, S/o.Macham, R/o. Ladnapur Village, Muttaram Mandal, Karimnagar District.
36 Keerthi Tirupathi S/o.Macham, R/o. Ladnapur Village, Muttaram Mandal, Karimnagar District.
37 Keerthi Venkataswamy S/o. Venkata Narsu, R/o. Ladnapur Village, Muttaram Mandal,
Karimnagar District.
38 Chintala Chandraiah S/o. Pocham [died], R/o. Ladnapur Village, Muttaram Mandal,
Karimnagar District.
39 Madasu Rajaiah S/o. Pocham, R/o. Ladnapur Village, Muttaram Mandal, Karimnagar District.
40 Yedenala Rajagattu, S/o. Pochamallu, R/o. Ladnapur Village, Muttaram Mandal,
Karimnagar District.
41 Goraboina Raja Komuraiah, S/o. Mokuraiah, R/o. Ladnapur Village, Muttaram Mandal,
Karimnagar District.
42 Poreddy Venkataramana Reddy, S/o. Narayana Reddy, R/o. Ladnapur Village, Muttaram Mandal,
Karimnagar District.
43 Burra Lingaiah S/o. Rajaiah [died], R/o. Ladnapur Village, Muttaram Mandal, Karimnagar District.
44 Abbu Ganapathi Reddy, S/o. Venkatareddy [died], R/o. Ladnapur Village, Muttaram Mandal,
Karimnagar District.
45 Tata Rajesham S/o. Cheralu, R/o. Ladnapur Village, Muttaram Mandal, Karimnagar District.
46 Perka Bhoomaiah, S/o. Rajaiah, R/o. Ladnapur Village, Muttaram Mandal, Karimnagar District.
47 Perka Lingaiah, S/o. Dammaiah, R/o. Ladnapur Village, Muttaram Mandal, Karimnagar District.
48 V. Radhakistaiah S/o. Chandraiah [died], R/o. Ladnapur Village, Muttaram Mandal,
Karimnagar District.
49 V. Chakrapani S/o. Kistaiah [died], R/o. Ladnapur Village, Muttaram Mandal, Karimnagar District.
50 Veeragoni Durgaiah, S/o. Venkataiah, R/o. Ladnapur Village, Muttaram Mandal,
Karimnagar District.
51 Veeragoni Mallaiah, S/o. Laxmaiah, R/o. Ladnapur Village, Muttaram Mandal,
Karimnagar District.
52 Thogaru Lingaiah S/o. Ramaiah, R/o. Ladnapur Village, Muttaram Mandal, Karimnagar District.
53 Adepu Swamy S/o. Balaiah, R/o. Ladnapur Village, Muttaram Mandal, Karimnagar District.

54 Manthani Shankar S/o. Mallaiah[died], R/o. Ladnapur Village, Muttaram Mandal,
Karimnagar District.
55 Manthani Shankar S/o. Pullaiah, R/o. Ladnapur Village, Muttaram Mandal,
Karimnagar District.
56 Thatikonda Kanakaiah S/o. Venkataiah, R/o. Ladnapur Village, Muttaram Mandal,
Karimnagar District.
57 Gurram Rajaiah, S/o. Banaiah, R/o. Ladnapur Village, Muttaram Mandal,
Karimnagar District.
58 Akkapaka Ramaiah, S/o. Jakkaiah [died], R/o. Ladnapur Village, Muttaram Mandal,
Karimnagar District.
59 Elabaka Satyanarayana S/o. Sattaiah [died], R/o. Ladnapur Village, Muttaram Mandal,
Karimnagar District.
60 Vepachetty Sattaiah S/o. Rajaiah [died], R/o. Ladnapur Village, Muttaram Mandal,
Karimnagar District.
61 Veeragoni Bapu, S/o. Souraiah, R/o. Ladnapur Village, Muttaram Mandal,
Karimnagar District.
62 Tangallapalli Lingaiah S/o. Bakkaiah, R/o. Ladnapur Village, Muttaram Mandal,
Karimnagar District.
63 Tangallapalli Rajanandam S/o.Lingaiah, R/o. Ladnapur Village, Muttaram Mandal,
Karimnagar District.
64 Palle Ramulu S/o. Ella Goud, R/o. Ladnapur Village, Muttaram Mandal,
Karimnagar District.
65 Guduru Chandraiah S/o. Tapalu [died], R/o. Ladnapur Village, Muttaram Mandal,
Karimnagar District.
66 Guduru Murali, S/o. Tapalu [died], R/o. Ladnapur Village, Muttaram Mandal,
Karimnagar District.
67 Keerthi Shekar S/o. Machalu, R/o. Ladnapur Village, Muttaram Mandal,
Karimnagar District.
68 Thodeti Shankar S/o. Rajam, R/o. Ladnapur Village, Muttaram Mandal,
Karimnagar District.
69 Thouta Bhaskar S/o. Chandraiah, R/o. Ladnapur Village, Muttaram Mandal,
Karimnagar District.

..... APPELLANTS

AND

1 Singareni Collieries Company Limited

rep. by its General Manager, Ramagundam-IV,
Godavarikhani.
2 The Special Deputy Collector,

Land Acquisition Unit,

Singareni Collieries Company Limited,

Godavarikhani,
Karimnagar District.
3 Joint Collector, Karimnagar District.

.....RESPONDENTS

Counsel for the Appellant :Mr.O.MANOHER REDDY
Counsel for the Respondent No.1: MR.K.SRINIVASAMURTHY
Counsel for the Respondent No.2: Govt. Pleader for Land Acquisition

The Court made the following :

JUDGMENT: (Per Hon'ble the Chief Justice)

Order passed in W.P.No.19032 of 2003 dated

13th November, 2003 by the learned single Judge is under challenge at the behest of respondents 3 to 71, who are impleaded by the learned single Judge by order dated

26-09-2003. Singareni Collieries Company Limited had in the writ petition sought quashing of the proceedings bearing No.G2/3154/200 dated 14-08-2003, namely draft award passed by the second respondent under Section 28-A of the Land Acquisition Act, 1894 (hereinafter referred as 'the Act').

The facts in brief are that about Acs.437-00 of land in Ladnapoor village was acquired under the provisions of the Act. Second respondent passed his award offering the amount of compensation. Some of the pattedars feeling dissatisfied with the said compensation sought re-determination of the amount of compensation by filing application under Section 18 of the Act. On reference being made, compensation was enhanced by the reference court in O.P.No.329 of 1987 decided on 27-04-1989. About 220 claimants, who did not avail of the benefit of seeking reference, then filed an application under Section 28-A of the Act seeking re-determination of the amount of compensation, and application was rejected by the second respondent on

18-11-1992. Those claimants approached this court by filing Writ Petition No.17379 of 1992 questioning the order dated

18-11-1992, and the said writ petition was allowed by order dated 29-12-1995 directing the Land Acquisition Officer to entertain the application for re-determination of the amount of compensation under Section 28-A of the Act. Be it stated that the appellants at that stage felt aggrieved by this order and preferred Writ Appeal No.387 of 1996 questioning the legality and validity of the order dated 29-12-1995 in W.P.No.17379 of 1992, which had been allowed. Learned Division Bench noticed the fact that the appellants had questioned the very maintainability of the application of the claimants under Section 28-A of the Act that it was filed beyond the period of limitation apart from challenge as to the correctness of application, signatures of the claimants, their names etc. Writ Appeal was dismissed by judgment dated

26-04-2001. This judgment was further challenged in appeal before the Supreme Court by filing S.L.P. and admittedly S.L.P. was dismissed. The Land Acquisition Officer thereafter proceeded to re-determine the amount of compensation and on 14-08-2003, draft of the award was approved by the Joint Collector, Karimnagar district, who ordered the Land Acquisition Officer to pass final award. This order of the Joint Collector, Karimnagar dated 14-08-2003 was challenged by the first respondent in

W.P.No.19032 of 2003. Learned single Judge took notice of the objection raised by the appellants that writ petition itself had been rendered infructuous since the second respondent had passed an award on 31-08-2003 under Section 28-A of the Act determining the amount of compensation and there was no challenge made by the writ petitioner to the said award. Learned single Judge also noticed the stand of the writ petitioner that it was ready to deposit the amount as per the award of the second respondent under Section 28-A of the Act, but its interests should be safeguarded as regards signatures of the claimants whose signatures are disputed by the company.

While dismissing the writ petition, learned single Judge made certain observations thereby stating that since respondent company disputes the signatures of some of the claimants and had expressed its willingness to bear the charges for sending the signatures to the Expert for his analysis and opinion, the Land Acquisition Officer will be under an obligation to compare their signatures and decide the entitlements of compensation and ultimately the amount be paid to claimants on obtaining surety bonds and if they are not entitled to receive the compensation, the company can recover the same. Appellants are aggrieved by these observations made by the learned single Judge while dismissing the writ petition.

As a matter of fact, it was not at all necessary for the learned single Judge to make the aforementioned observations while dismissing the writ petition. The respondent company is nothing but a beneficiary and its obligation is to make payment of compensation as determined by the Land Acquisition Officer. In case the respondent company feels aggrieved, it could have challenged the award of the Land Acquisition Officer, which it did not choose to do so and moreover, the finding as regards the entitlement of compensation had become final. An objection was raised by the company while contesting the Writ Petition No.17379 of 1992, which, despite

the objection of the Company as regard the genuineness of the signatures, was allowed on

29-12-1995, the writ appeal preferred by the company was dismissed and S.L.P. was also dismissed. After dismissal of S.L.P., the only question, which remained to be decided, was

re-determination of the amount of compensation entitled to by each of the claimants. Such compensation has to be deposited by the company and it will be for the second respondent to make payment of compensation to the original claimants, who were held entitled to, in the initial award passed by him out of whom some of them on re-determination had been held entitled to the re-determined compensation. In case they are not alive, the amount of compensation will have to be paid to their legal representatives in accordance with law. The company cannot raise an objection as regards entitlement of compensation to the claimants and if it was aggrieved, it ought to have questioned the initial award made and such reference as regards apportionment and having failed to do so, learned single Judge erred in entertaining the objection of the Company or request of the company for sending the signatures of claimants to an expert.

The writ appeal is accordingly allowed and the impugned order is modified setting aside the observations made by the learned single Judge and it is substituted by the order to the effect that the writ petition filed by the petitioner company stands dismissed as infructuous.

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DEVINDER GUPTA, C.J.

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C.V.RAMULU, J

24-08-2004

bsc

To

1. The Special Deputy Collector, Land Acquisition Unit,

Singareni Colleries Company Limited, Godavarikhani,
Karimnagar District.

2 The Joint Collector, Karimnagar District.

3. 2 CD copies